

JFW  
3731 /

Customer No.: 26308

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Reiley et al.

Docket No.: 1759.2570-CIP 5 CON

Serial No.: 10/010,576

Examiner: J. Woo

Filed: 13 November 2001

Group Art Unit: 3731

Title: Systems and Methods Using Expandable Bodies to Push Apart Cortical Bone Surfaces

AMENDMENT A

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

This Amendment responds to the Office Action mailed April 7, 2004.

An automatic two month extension of time to respond, up to and including September 7, 2004, is respectfully requested. The requisite fee accompanies this Amendment.

Please amend the application as follows:

09/08/2004 SSESHE1 00000052 10010576

01 FC:1252

420.00 OP

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**Commissioner for Patents**  
**PO Box 1450**  
**Alexandria, VA 22313-1450**

**NOTIFICATION OF LOSS OF ENTITLEMENT  
TO SMALL ENTITY STATUS**

1. Applicant asserted small entity status in this application on 13 November 2001.
2. Applicant hereby notifies the Office, in accordance with the requirements of 37 CFR 1.27(g)(2) that it no longer has status as a small entity.

  
\_\_\_\_\_  
SIGNATURE OF ATTORNEY

Reg. No.: 29,243

Daniel D. Ryan  
\_\_\_\_\_  
TYPE OR PRINT NAME OF ATTORNEY

Tel. No.: (262) 783 - 1300

RYAN KROMHOLZ & MANION, S.C.

Customer No.: 26308

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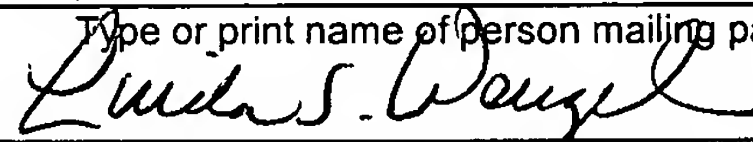
**CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed as follows: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Date: 2 September 2004

Linda S. Wenzel

Type or print name of person mailing paper



(Signature of person mailing paper)



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**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.

**STATUS**

2. Applicant is

☐ a small entity

☒ other than a small entity.

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*Linda S. Wenzel*

(Signature of person mailing paper)

## EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) - If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply

(complete (a) or (b) as applicable)

(a) ☒ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

	Extension (months)	Fee for other than Small Entity	Fee for Small Entity
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/>	two months	\$ 420.00	\$ 210.00
<input type="checkbox"/>	three months	\$ 950.00	\$ 475.00
<input type="checkbox"/>	four months	\$1480.00	\$ 740.00
<input type="checkbox"/>	five months	\$2010.00	\$1005.00

Fee: \$ 420.00

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request: \$ \_\_\_\_\_

OR

(b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

	Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Additional Fee (Small Entity)	Additional Fee (Large Entity)
Total Claims 37 CFR 1.16(c)*	7	-20 =	(13)	x \$ 9.00	\$0	\$0
Independent Claims (37 CFR 1.16(b)**	1	-3 =	(2)	x \$ 43.00	\$0	\$0
First Presentation of Multiple Dependent claim(s) if any (37 CFR 1.16(d))				\$145.00	\$0	\$0
<b>Total Additional Fee</b>					<b>\$0</b>	<b>\$0</b>

\* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".

\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** "After final rejection or action (S 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 CFR S 1.116(a) (emphasis added).

(complete (c) or (d) as applicable)

(c) ☒ No additional fee for claims is required.

**OR**

(d) ☐ Total additional fee for claims required \$\_\_\_\_\_.

## FEE PAYMENT

5. ☒ Attached is a check in the sum of \$ 420.00.

☐ Charge Account No. \_\_\_\_\_ the sum of \$\_\_\_\_\_.

A duplicate of this transmittal is attached.

## FEE DEFICIENCY

**NOTE:** *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☒ If any overpayment of fees or additional extension and/or fee is required, charge Account No. 06-2360.

## AND/OR

- ☒ If any overpayment of fees or additional fee for claims is required charge Account No. 06-2360

  
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